



The following constitutes the order of the court.  
Signed August 28, 2015

  
William J. Lafferty, III  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re	)	Case No. 14-42286
	)	
818 Green Street LLC,	)	Chapter 7
	)	
Debtor.	)	
	)	
	)	Adv. Pro. No. 14-04094
	)	
Martin Lee Eng,	)	
	)	
	)	
	)	
Plaintiff,	)	<b>Trial Date:</b> October 23, 2015
	)	<b>Time:</b> 9:00 A.M.
	)	<b>Length of Trial:</b> 1 day
	)	
818 Green Street LLC,	)	
John Kendall,	)	
	)	
	)	
Defendants.	)	
	)	

**SCHEDULING ORDER FOR TRIAL**

The Court held a status conference in the above-captioned  
adversary proceeding on August 26, 2015. The appearances made at

1 the status conference were noted on the record. Upon due  
2 consideration, the Court hereby enters the following scheduling  
3 order:

4 1. The Trial in this adversary proceeding will commence on  
5 **October 23, 2015 at 9:00 A.M.**, at the United States Bankruptcy  
6 Court, 1300 Clay St., Courtroom 220, Oakland, California, 94612.  
7 The trial is scheduled to be completed in **one day**.

8 2. Direct oral testimony may be presented at the Trial.

9 3. **Not later than seven (7) calendar days before the date**  
10 **set for Trial**, each party shall:

11 (a) File, serve and provide the Court with a Chambers  
12 Copy of a trial brief. The trial brief shall include a summary  
13 of the facts to be proven and the legal theories on which the  
14 party relies. The Court will not normally request or permit  
15 post-trial briefs. Briefs shall not exceed fifteen (15) pages  
16 without prior permission of the Court.

17 (b) File, exchange and provide the Court with a  
18 Chambers Copy of: (i) any declarations and supporting  
19 documentation that the parties intend to rely on at Trial; and  
20 (ii) a notice identifying any other declarations or memoranda  
21 previously filed in connection with any preliminary hearings.

22 (c) File and serve a list of exhibits (other than  
23 those exhibits to be used for impeachment or rebuttal) in  
24 accordance with the attached form. All items shall be completed  
25 with the exception of the date boxes pertaining to  
26 identification and admittance, which are to be left blank.

1 (d) Exchange, but not file, copies of all exhibits the  
2 party intends to introduce into evidence. Any paper(s) in the  
3 Court's file of which a party intends the Court to take judicial  
4 notice must be copied and included as an exhibit.

5 (e) Lodge with the Court **the original and two copies**  
6 of the party's exhibits, together with **the original and two**  
7 **copies** of the party's Exhibit List.

8 The exhibits shall be pre-marked for identification.  
9 Plaintiff's exhibits should be marked by number and Defendant's  
10 exhibits should be marked by letter. Each page of any exhibit  
11 that has more than one page is to be numbered consecutively.  
12

13 If a party has ten (10) exhibits or less, the exhibits  
14 shall be marked with the party's number or letter in the lower  
15 right hand corner in ink. If a party has more than ten (10)  
16 exhibits, the exhibits should be placed in a three-ring binder  
17 with the exhibit list placed at the front of the bind. The  
18 exhibits shall be divided by tabs extending beyond the page on  
19 the right hand side and the tab shall bear the number or letter  
20 of the exhibit. If a party has in excess of twenty-five (25)  
21 exhibits, the party shall contact the Courtroom Deputy for  
22 further instructions.

23 4. Promptly after receipt of the items mentioned in  
24 Paragraph 3, each party must advise the opposing party of any  
25 objections to the introduction of testimony or exhibits.  
26 Parties must meet and confer before Trial to attempt to reach  
27 agreement regarding admissibility. The Court expects the  
28

1 parties to make good faith efforts to resolve all evidentiary  
2 issues.

3         5. If efforts to resolve questions regarding the  
4 introduction of testimony or exhibits are unsuccessful, motions  
5 in limine should be filed and served no later than **four (4)**  
6 **court days** before the date set for Trial. Such motions should  
7 include a certification that the moving party has complied with  
8 paragraph. Opposition thereto should be filed and served no  
9 later than **one (1) court day** before the date set for Trial.  
10 Copies of motions and oppositions should be delivered or faxed  
11 directly to Chambers. Motions in limine will be heard at the  
12 commencement of Trial.

13         6. At the commencement of Trial, the parties shall be  
14 prepared to stipulate into evidence all exhibits that are  
15 admissible for at least one purpose. Bonafide objections may be  
16 reserved, with the issue of admissibility deferred until the  
17 exhibit is offered into evidence.

18         7. The requirement of advance identification of witnesses  
19 and production of exhibits does not apply to witnesses and  
20 exhibits presented for purposes of impeachment or rebuttal.  
21

22         8. Ongoing settlement discussions and/or undocumented  
23 resolutions of the matter **do not** excuse the parties from  
24 compliance with this order. The only event that excuses  
25 compliance is a complete resolution of the matter which has been  
26 documented and which documentation has been filed with the Court  
27 prior to the deadlines set forth in the order.  
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1        9. Any failure of either party to comply timely with any  
2 of the provisions of this order may result in continuance of the  
3 matter to a date of the Court's choosing, judgment against such  
4 party, removal of the Trial from calendar, exclusion of evidence  
5 at trials, and/or imposition of monetary or non-monetary  
6 sanctions (including denial of the Motion for lack of  
7 prosecution without any further hearing).

8                                **\*END OF ORDER\***  
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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Date \_\_\_\_\_

Case No. \_\_\_\_\_

Trial Date \_\_\_\_\_

Courtroom \_\_\_\_\_

Trial Time \_\_\_\_\_

\_\_\_\_\_ vs. \_\_\_\_\_

EXHIBIT LIST

( ) Creditor Attorney : \_\_\_\_\_

( ) Debtor Attorney: \_\_\_\_\_

Exhibit Number/ Exhibit Letter	Date Marked for Identification	Date Admitted in Evidence	Description

Court Service List

Martin Lee Eng  
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Law Offices of Jonathan Matthews  
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